BOOK REVIEW


The accountability of international organizations has been one of the hottest topics among students of international institutional law, and much of that has been inspired by injustices, perceived or real, consisting of human rights violations. For much of the last decade, scholars have studied whether and why institutions such as the IMF, the World Bank, the EU, the WTO and the UN should be bound to adhere to human rights norms, and how best to set up accountability mechanisms. This cannot be seen in isolation from broader trends: the introduction of the euphemistically named New Public Management in Thatcherite England in the late 1970s and 1980s revolved around a call for greater accountability of public administrative agencies, leading to the creation of what one observer has referred to, not unreasonably, as the “Audit Society”.


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by distrust. In this light, the call for increased accountability of international organizations, however sensible in its own right, to some extent comes across as ‘mustard after the main course’.

The book under review, a hefty tome counting exactly 600 pages, is an intelligently set-up volume consisting of a number of general chapters, outlining how accountability can possibly be institutionalised and justified, as well as set of chapters discussing accountability issues in a number of organizations and on distinct topics, including the rights of staff members. The main intellectual problems, so it transpires, are to conceptualise human rights in a meaningful way (more on this below), and to find a plausible theory on why international organizations are bound by human rights (or, more generally, by international law). For holding organizations to be bound by human rights law is not quite as self-evident as it may seem, if only because international organizations, as a general rule, do not become parties to human rights treaties.

Several possible theories are closed off. Thus, it is not acceptable to say that human rights are morally valid and therefore organizations are bound to respect them as a matter of law: doing so is to confuse axiological reasoning for legal reasoning. Likewise, the argument that organizations are bound because all their member states are parties to a particular instrument is unavailable: the organization, if it has its own legal personality, is an entity distinct from its member states, and therefore not subject to the same obligations, as Frederik Naert’s lucid contribution also suggests. As a result, he sensibly advocates some greater attention for the residual responsibility of member states, but this too meets with some practical problems: not all member states will have accepted the exact same set of human rights commitments, and sometimes it may be difficult to figure out whether the organization is acting or whether its member states are acting.

This problematique troubles several of the contributors to the volume. The most sophisticated (and lengthy) answer is provided by Oliver de Schutter, professor of law at Louvain and UN Special Rapporteur on the right to food. For De Schutter, human rights norms can be binding on international organizations as ‘general principles of law’, within the meaning of the Statute of the ICJ. In doing so, he follows a pioneering piece by Simma and Alston